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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,084	06/20/2003	James A. Amos	72255/30267	9008
23380 7590 09/27/2007 TUCKER ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1414			EXAMINER LU, ZHIYU	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 09/27/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/600,084	Applicant(s) AMOS, JAMES A.	
	Examiner Zhiyu Lu	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 14-19 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 14-19 and 34-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/06/2007 has been entered.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

In claim 1, on line 3 of 5th paragraph, remove "to" after "network transceiver" in order to correct repetitive wording.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridgelall (US2002/0085516) in view of Awater et al. (US2001/0010689).

Regarding claim 1, Bridgelall teaches a wireless voice over Internet Protocol (VoIP) telephone, comprising:

a wireless handset that comprises a wireless personal area network transceiver configured to communicate with a wireless personal area network, a wireless local area network transceiver configured to communicate with a wireless local area network, and a selecting device for selecting between the wireless personal area network transceiver and the wireless local area network transceiver (Figs. 1-2, paragraphs 0011, 0026);

wherein the wireless handset is in voice communication with a controller, the controller is configured to communicate with a base station (106 of Fig. 1) coupled to the wireless personal area network and an access point (104 of Fig. 1) coupled to the wireless local area network (Fig. 1, paragraph 0026);

wherein the selecting device is configured to send a signal to the controller via the wireless local area network transceiver to route the voice communication for the wireless handset through the wireless local area network responsive to the wireless personal area network transceiver being unable to detect a wireless personal area network connection (Fig. 1, paragraph 0026); and

wherein the selecting device is configured to send a signal to the controller via the personal area network transceiver to route the voice communication for the wireless handset through the wireless personal area network responsive to reestablishing a connection with the wireless personal area network (Fig. 1, paragraph 0026).

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Note though Bridgelall discloses mostly roaming between WLAN and WPAN, Bridgelall does state seamless vertical roaming (SVR) between WLAN and WPAN for maintaining continuous voice communication. So the WPAN disclosed therein is not limited to headphone usage but for the mobile terminal to connect calls as well.

But, Bridgelall does not expressly disclose wherein the selecting device selects the wireless personal area network transceiver for routing the voice communication through the wireless personal area network when the wireless personal area network transceiver detects a wireless personal area network connection, otherwise the selecting device selects the wireless local area network transceiver.

Awater et al. teach a wireless handset having selecting device to select connection between WLAN and WPAN, where WPAN is set as preferential connection (Fig. 1, paragraphs 0050-0054).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate having WPAN set as preferential connection for wireless handset selecting device taught by Awater et al. into the wireless VoIP telephone of Bridgelall, in order to save power consumption on communication.

Regarding claim 14, Bridgelall and Awater et al. teach a method for a wireless handset to send and receive voice over Internet Protocol using a wireless voice over Internet Protocol telephone as explained in claim 1 above, where Awater et al. teach mode detection (paragraphs 0054-0055).

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Regarding claim 34, Bridgelall and Awater et al. teach an apparatus as explained in response to claim 1 above.

Regarding claims 2 and 16, Bridgelall and Awater et al. teach the limitations of claims 1 and 14. Bridgelall and Awater et al. teach a base station that comprises a wireless personal area network transceiver for communicating with the wireless personal area network transceiver of the wireless handset (inherent in Awater et al.; 106 of Fig. 1 of Bridgelall).

Regarding claim 3, Bridgelall and Awater et al. teach the limitation of claim 2.

Bridgelall teaches the base station further comprising a network interface card, wherein the base station notifies a wireless local area network when a wireless personal area network signal from the wireless handset is not detected (paragraph 0011, where the same obviously applies to transfer between WPAN and WLAN).

Regarding claim 4, Bridgelall and Awater et al. teach the limitation of claim 2.

Bridgelall teach the wireless personal area network transceiver of the base station is a Bluetooth transceiver and the wireless personal area network transceiver of the wireless handset is a Bluetooth transceiver (paragraph 0026).

Regarding claim 5, Bridgelall and Awater et al. teach the limitation of claim 2.

Awater et al. teach the wireless personal area network transceiver of the base station is an infrared transceiver and the wireless personal area network transceiver of the wireless handset is

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a infrared transceiver (paragraph 0005, which would have been obvious to one of ordinary skill in the art to utilize an infrared connection instead of Bluetooth as design preference).

Regarding claim 6, Bridgelall and Awater et al. teach the limitation of claim 2.

Bridgelall teaches the controller is a phone controller that is communicatively coupled to at least one access point over a local area network, and to the base station (EGC of paragraph 0011).

Regarding claims 7, 19 and 36, Bridgelall and Awater et al. teach the limitations of claims 1, 18 and 34.

Awater et al. teach the wireless local area network transceiver is an 802.11x transceiver (128 of Fig. 1).

Regarding claim 8, Bridgelall and Awater et al. teach the limitation of claim 1.

Awater et al. teach the wireless personal area network transceiver is an infrared transceiver (paragraph 0005 of Awater et al., which would have been obvious to one of ordinary skill in the art to utilize an infrared connection instead of Bluetooth as design preference).

Regarding claims 9, 17 and 35, Bridgelall and Awater et al. teach the limitations of claims 1, 16 and 34.

Awater et al. teach the wireless personal area network transceiver is a Bluetooth transceiver (130 of Fig. 1).

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Regarding claim 38, Bridgelall and Awater et al. teach the limitation of claim 1.

Awater et al. teach the wireless local area network transceiver is configured to switch to a power save state while the wireless handset is communicating with the controller through personal area network transceiver (paragraph 0055).

Regarding claim 15, Bridgelall and Awater et al. teach the limitation of claim 14.

Bridgelall teaches wherein the wireless local area network transceiver is at a remote location and communicatively coupled to the base station (paragraph 0011).

Regarding claim 18, Bridgelall and Awater et al. teach the limitation of claim 16.

Bridgelall teaches authenticating the wireless handset by the base station (paragraph 0032).

Regarding claim 37, Bridgelall and Awater et al. teach the limitation of claim 34.


Awater et al. teach means for switching the wireless local area network transceiver to a power save mode responsive to the means for determining when the wireless handset is out of range of the associated base station associated with the wireless handset determining the wireless handset has moved within range of the base station (paragraph 0055).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhiyu Lu whose telephone number is (571) 272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Zhiyu Lu
August 21, 2007


NAY MAUNG
SUPERVISORY PATENT EXAMINER